

## **REMARKS**

Claims 1, 3-5 are pending and under consideration in the above-identified application. Claims 2 and 6-14 were cancelled previously and remain cancelled. Claims 15-46 were previously withdrawn and remain withdrawn.

In the Office Action of February 6, 2009, claims 1, 3-5 were rejected.

With this Amendment, claims 1, 3-4 are amended and claims 5-46 are cancelled

### **I. 35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claim 1 was rejected under 35 U.S.C. § 112, first paragraph.

With this amendment, claim 1 is amended taking into consideration the Examiner's suggestion. The Applicant respectfully requests the withdrawal of this rejection.

Claims 1, and 3-5 were rejected under 35 U.S.C. § 112, first paragraph and second paragraph.

With this amendment, claim 5 is cancelled. Therefore, the rejection is moot as to claim 5.

Claims 1, 3 and 4 are amended taking into consideration the Examiner's suggestion. The Applicant respectfully requests the withdrawal of this rejection.

### **II. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1, 3-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Hayashi et al.* (JP 10-334,915) ("*Hayashi*").

Claims 1, 3-5 were rejected under 35 U.S.C. §103(a) unpatentable over *Morita et al.* (EP 0861804) ("*Morita*"). Applicant respectfully traverses this rejection.

With this amendment, claim 5 is cancelled. Therefore, the rejections are moot as to claim 5.

In relevant part, each of the independent claims 1 and 3-4 now recites a band-shaped negative electrode comprising a graphite containing material where the graphite containing material is characterized by a saturated tapping density of  $1.2 \text{ g / cm}^3$  or more.

*Hayashi* only discloses an apparent density ratio, also called bulk density, of a granular powder being  $1.1 \text{ g / cm}^3$  or more. See, JP 10-334,915, Para. [0023]-[0024]. Nowhere does *Hayashi* disclose or even fairly suggest anything pertaining to a **saturated tapping density**, much less a graphite containing material characterized by a **saturated tapping density** of  $1.2 \text{ g / cm}^3$  or more.

Similarly, *Morita* does not disclose or even fairly suggest anything pertaining to a saturated tapping density. Instead, *Morita* discloses a true density of coated carbon materials with two-layer structure being about  $1.50\text{-}2.26\text{g/cm}$ . See, EP 0861804, Page 5, l. 21-24.

As the Applicant's specification discloses, unlike bulk density or true density, the saturated tapping density indicates the packing characteristics of the graphite. See, U.S. Pat. Pub. No. 2002/0015888, Para. [0039]. Further, by providing a band-shaped negative electrode comprising a graphite containing material where the graphite containing material is characterized by a **saturated tapping density** of  $1.2 \text{ g / cm}^3$  or more, damages on the surface of the graphite are reduced and the reliability of the battery is increased. See, U.S. Pat. Pub. No. 2002/0015888, Para. [0039].

Therefore, because *Hayashi*, *Morita* or any possible combination of them fails to disclose or even fairly suggest every feature of claims 1 and 3-4, the rejection of claims 1 and 3-4 cannot stand.

**Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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